

## **Statement of Terrence L. Bracy**

**On**

### **Federal Role In Protecting Water Quality: A National Perspective**

**June 17, 2005**

Ms. Card and members of the Clean Colorado River Alliance, I am pleased to be here today representing the Colorado River Regional Sewer Coalition (CRRSCO). This coalition presents for us all a model for regional cooperation on vital issues related to the sustainability of the Southwest's most precious resource, the Colorado River. It is appropriate that we are meeting today in Lake Havasu City, a place where the local government leaders have taken bold and courageous steps to begin reversing the trend towards nitrate pollution that threatens the water supply of more than 20 million Americans. I cite, in particular, Mayor Bob Whelan and his predecessor, Melanie Grinsted-Hannak, and the councils which have supported the largest per capita bond issue in Arizona history which is converting septic fields into sewer systems as we meet here today.

#### **The Federal Responsibility**

Historically, the central focus on the Colorado River has been on contesting water rights and supply. I need not take your time to review the 50-year fight for the Central Arizona Project or the struggles subsequent to passage of the Colorado River Basin Act in 1968, except to say that the issues of allocations are largely settled. While growth will continue to challenge us to find the best uses for limited supplies, and will cause periodic conflict, the larger issue that is emerging for our generation is the quality of the water supplied.

In all matters related to the Colorado, the federal government has been the prime mover and principal financial contributor. Whether dealing with the building of dams, the settlement of tribal claims, or the control of water quality, the federal government, almost always led by the Bureau of Reclamation, has been the prime mover. The latter point is important because some in Washington today would rather ignore the federal responsibility related to water quality. But the history of the Bureau's role in maintaining salinity control and meeting the terms of the 1974 law enforcing the terms of the treaty with Mexico undermines this hands-off approach. The mothballed desalting plant near Yuma stands as a monument to that responsibility.

#### **New Realities**

The water quality assumptions projected in the Colorado River Basin Act have proven to be overly optimistic. In order to reach consensus, Congress built the

compromise on predictions of annual yields that have proved to be wrong. At the same time, Congress failed to anticipate the population growth along the Lower Colorado. I was in many of those negotiation sessions, and I can tell you no one imagined the population explosion that has occurred here. Growth was managed casually until one day we awoke to find a whole civilization in the Colorado River watershed built on septic tanks. With the population exploding, the system has reached its capacity and we now have nitrates seeping into a watershed that threaten not only local residents, but also the drinking water supplies of all of Arizona and California.

Simultaneously, drought conditions reduced our options to mitigate problems by "flushing" water downstream. Thank heavens local leaders, backed by ADEQ, have taken action to plug the dike. But the problem is much larger than their ability to pay -- \$2.4 billion according to the draft Bureau of Reclamation study -- and the responsibility of the federal government to participate is as clear as the federal policies that brought us to this moment. Let me emphasize: we are facing a \$2 billion dollar gap.

### **Issues Involved**

When I was asked by CRRSCo to take the lead in educating Washington about this pending, but preventable disaster, I quickly learned that nitrates were far from the only pollution threatening our water supply. There is also the issue of the poisonous residue of the rocket fuel ingredient perchlorate seeping at a rate of 400 pounds a day from a former government facility in Henderson, Nevada. The presence of this pollutant, which can interfere with thyroid functions, caused warnings to be issued nationally about lettuce irrigated by Colorado River water.

Near Moab, Utah a now-closed uranium mine left behind a pile of radioactive waste that covers 130 acres and is 94 feet tall. It sits 750 feet from the Colorado in a flood plain, and is responsible for an estimated 110,000 gallons of radioactive groundwater seeping into the river each day. In Colorado, I heard complaints about arsenic and other poisons leaching from abandoned mines. Concerns about pharmaceuticals in the water were also expressed. The regional nature of this issue came into clear view, as did the common interest of the eight upper and lower basin states to cooperate.

### **Models for Action**

Although there is talk in Congress of the development of a "Water Trust Fund" to address anti-pollution efforts, and there is a movement to rewrite the formula that governs EPA's loan program, neither is likely to contribute in the near term to a solution on the Colorado. While both efforts are worthy of our support, the Trust Fund is a distant prospect, and the loan program is chronically underfunded.

There are two models, the Chesapeake Bay initiative, and the Great Lakes program which teach us what can be accomplished with strong regional

cooperation. These examples share similar objectives to those we are seeking to achieve as well as organizational structures and tactical approaches. I have submitted for your review descriptions of the programs and legislation related to them, but let me briefly summarize.

## **1. Chesapeake Bay**

The Chesapeake Bay is the nation's largest estuary -- spanning 64,000-square miles across six states (Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia) and the District of Columbia. It is home to more than 3,600 species of plants, fish and animals. Population growth and development along the Bay has created significant challenges for areas intent on protecting the water source. The largest pollution problem affecting the Bay is nitrogen pollution coming from agricultural runoff and sewage treatment plants.

Guided by a mission to restore and protect the Chesapeake Bay, the initiative has involved multiple jurisdictions, aimed at accomplishing a number of environmental goals. The states involved play a large role in project priority setting and implementation. Goals are set through voluntary agreements considered by a governing council. To date, three broad-reaching agreements have been signed, first in 1983, the second in 1987 and amended in 1992 and the most recent in 2000.

Among the priorities set by federal, state and local stakeholders for the Chesapeake include: 1) living resource protection and restoration; 2) vital habitat protection and restoration; 3) water quality protection and restoration; 4) sound land use; and 5) stewardship and community engagement.

The federal government plays a significant role in authorizing and appropriating funding to support the resource needs of the Bay. According to the Northeast-Midwest Institute, the Chesapeake Bay has received over \$162 million in EPA funding between fiscal 1999 and 2005. For FY 2006, the Chesapeake Bay Watershed Taskforce, comprised of Congressional members has requested \$130 million to support various federal funding activities through EPA, USDA and USGS.

## **2. Great Lakes Legacy Act**

The Great Lakes is home to 34 million U.S. and Canadian residents and provides drinking water to more than 25 million. Stretching 10,900 miles across the U.S., Canada, eight states and two Provinces, it is the largest ecosystem restoration project in the country.

For decades, industrial sources such as PCBs, heavy metals and PAHs contributed to the contamination of the Great Lakes, putting at risk aquatic organisms, wildlife and humans. The environmental challenges confronting the Great Lakes include contaminated sediments, invasive species, non-point source

pollution, habitat alteration and loss, fish and wildlife conservation and water management.

To address the pervasive pollution problem, Congress passed the Great Lakes Legacy Act of 2002. The Act authorized \$270 million over five years beginning in fiscal year 2004 to be administered by the U.S. EPA's Great Lakes National Program Office. Among the three priorities to be addressed include 1) monitoring and evaluation of contaminated sediment; 2) remediation and prevention of pollution; 3) research and development, and 4) public outreach.

Despite the passage of the Act, a Government Accountability Office report concluded insufficient funds have been dedicated to the restoration of this important waterway. Of the total authorized in the Great Lakes Legacy Act, \$10 million was actually funded in FY 2004, the first year of the Act's implementation, and \$22.5 million in FY 2005. President Bush requested \$50 million in the FY 2006 budget and additional funds for research and program administration. Additional funds are provided through other federal programs such as the U.S. Army Corps of Engineers, U.S. Fish and Wildlife and EPA.

The 2002 Act laid the groundwork for stakeholders to seek a larger investment in the Great Lakes Program. To address the need for an overarching strategy and an increased federal investment, several bills have been introduced in Congress this year. The legislative proposals provide a range of funding from \$6 billion over 10 years to lesser amounts. The bills would set up a council to coordinate and monitor existing federal efforts as well as an advisory board to determine the prioritization of the grants. The advisory board would be led by the region's governors and comprised of Great Lakes mayors and local officials and federal agencies, Native American tribes, environmentalists, industry representatives and Canadian observers.

## **Summary**

Both the Chesapeake Bay and Great Lakes initiatives provide a framework and structure that can be used as a model for developing the comprehensive approach needed along the Colorado River. The experiences of both are instructive and should be considered when developing policy recommendations.

Ms. Card and members of the Clean Colorado River Alliance, I want to compliment Governor Napolitano for taking leadership on this issue. The Governor and the stakeholders have a historic opportunity to present the Congress a program to protect our most precious resource, the Colorado River. I have spoken with many members of the congressional delegations involved, and I believe that your recommendations will be well received. I think we are learning that there is no piecemeal solution to the problems of the Colorado and that we have no higher calling as a region and a generation than to shape a plan that will forever protect what Mo Udall called "the last water hole in the West" from the multiple threats which endanger it today.